

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ADAM L. GRANT,

Plaintiff,

-against-

MEMORANDUM & ORDER
18-CV-3094 (JS) (SIL)

GLEN COVE P.D., GLEN COVE COURTS,
DETECTIVES LINARES & GLENNON,

Defendants.

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APPEARANCES

For Plaintiff: Adam L. Grant, pro se
4 Mason Drive, Apt. 1B
Glen Cove, New York 11542

For Defendants: No appearances.

SEYBERT, District Judge:

On May 25, 2018, pro se plaintiff Adam L. Grant ("Plaintiff") filed a Complaint together with an application to proceed in forma pauperis. For the reasons that follow, the application to proceed in forma pauperis is DENIED WITHOUT PREJUDICE AND WITH LEAVE TO RENEW UPON COMPLETION OF THE AO 239 IN FORMA PAUPERIS APPLICATION FORM. Alternatively, Plaintiff may remit the \$400.00 filing fee.¹

¹ Because the Court does not refund the filing fee when a Complaint is dismissed, Plaintiff is well-advised to review the applicable statute of limitations as well as the substance of his claims. Plaintiff is also encouraged to review Rule 8 of the Federal Rule of Civil Procedure because, upon an initial review, Plaintiff's Complaint does not appear to comport with

To qualify for in forma pauperis status, the Supreme Court has long held that "an affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs [inherent in litigation] and still be able to provide himself and dependents with the necessities of life." Adkins v. E.I. Du Pont De Nemours & Co., 335 U.S. 331, 339, 69 S. Ct. 85, 93 L. Ed. 43 (1948) (internal quotation marks omitted). Plaintiff's application does not include sufficient information for the Court to make such finding.

The application submitted by Plaintiff reflects that he has \$2,000.00 in cash or in a savings or checking account and he does not report any expenses. Although Plaintiff reports that he is unemployed, he alleges that he has no "formal debt" and that he does not receive any government benefits. (See Docket Entry 2, ¶¶ 2-8.) Thus, the Court is unable to conclude, based on the present application, that Plaintiff is qualified to proceed in forma pauperis. Accordingly, Plaintiff's application is DENIED WITHOUT PREJUDICE TO A RENEWAL THEREOF UPON COMPLETION OF THE AO 239 IN FORMA PAUPERIS APPLICATION FORM ANNEXED TO THIS ORDER. Under the circumstances, Plaintiff can best set forth his financial

the notice pleading requirements set forth in the Rule. Specifically, it is improper to attach exhibits to the Complaint and to simply refer the Court to such exhibits to discern the claims Plaintiff seeks to pursue.

position on the long form in forma pauperis application (AO 239).
PLAINTIFF IS DIRECTED TO EITHER REMIT THE \$400 FILING FEE OR RETURN
THE LONG FORM IN FORMA PAUPERIS APPLICATION WITHIN FOURTEEN (14)
DAYS FROM THE DATE OF THIS ORDER.

Plaintiff is cautioned that a failure to timely comply
with this Order will lead to the dismissal of the Complaint without
prejudice and judgment will enter. The Court certifies pursuant
to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would
not be taken in good faith and therefore in forma pauperis status
is DENIED for the purpose of any appeal. See Coppedge v. United
States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is further directed to mail a
copy of this Memorandum and Order to the pro se Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: October 11, 2018
Central Islip, New York